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EDUCATION

May 1987 **CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW**
Cleveland, Ohio
J.D. Degree; *cum laude*
Health Law Journal Editor; Moot Court Board
Honors: Order of the Barrister; American Jurisprudence Awards for
Trial Practice, Administrative Law, and Conflict of Laws
Publication: "The Right to Withdraw Life-Sustaining Medical Treatment,"
Health Matrix Vol. III, No. 4 (1986)

May 1984 **NEW YORK UNIVERSITY**
New York, New York
B.A. Degree with Honors in Politics
Majors: Politics and Philosophy

LEGAL EMPLOYMENT

Jan. 2005- present **PARTNER**
GERHARDSTEIN & BRANCH CO. LPA (Aug. 2006 – present)
GERHARDSTEIN BRANCH & LAUFMAN CO. LPA (Jan. 2005-Aug. 2006)
Gerhardstein & Branch Co. LPA is a civil rights litigation firm. We
represent plaintiffs discriminated against on the basis of age, race, gender,
sexual orientation, and disability in the areas of private and public
employment. We also litigate prisoner civil rights cases, police misconduct
cases, and women's reproductive rights issues.

June 1997- 2005 **ATTORNEY**
LAUFMAN & GERHARDSTEIN

Sept. 1992-June 1996 **SENIOR ATTORNEY**
Sept. 1987-Sept. 1992 **STAFF ATTORNEY**
LEGAL AID SOCIETY OF CINCINNATI
Represented low income clients in prison litigation, subsidized and private
housing cases, utility rate cases, race, gender, handicap and familial
discrimination, special education, and benefits.

OTHER LEGAL EXPERIENCE

Summer 1986 **Law Clerk for S.D.N.Y. U.S. Attorney's Office (Rudolph Giuliani)**
Civil Rights and Appellate Divisions
Summer 1985 **Law Clerk for Federal Magistrate Ila Jean Sensenick (W.D.PA)**
Worked on prisoner rights and social security cases
Summer 1982 **Congressional Intern**
Congressman Austin J. Murphy (S.W. PA)

BAR ADMISSIONS

U.S. Supreme Court (2005)
Ohio Supreme Court (1987)
U.S. Court of Appeals for the Sixth Circuit (1991)
U.S. District Court for the Southern District of Ohio (1988)
U.S. District Court for the Northern District of Ohio (2004)

PROFESSIONAL MEMBERSHIPS

Ohio State Bar Association
Cincinnati Bar Association
Cincinnati Bar Association Grievance Committee (2004-2012)
Cincinnati Employment Lawyer's Association
Ohio Employment Lawyer's Association
Ohio Association for Justice
ACLU Southwest Ohio Chapter Board Member 1993-1996

CIVIC ACTIVITIES

Children's Law Center Board Member
Cincinnati Women's Political Caucus Board Member and Treasurer (1996-1999)
Community Shares Board Member (2005)
Democratic Precinct Executive Cincinnati (1998-2010)
Hamilton County Democratic Forum Board Member, Steering Committee Member, Secretary,
and President (1992-1998)
Kennedy Heights Citizens on Patrol (2001-2005)
Woman's City Club Board Member (1989-1991)

LITIGATION

I have litigated cases in federal and state court trial courts, Ohio Courts of Appeals, Ohio Supreme Court, Sixth Circuit Court of Appeals, and Ohio administrative agencies. Below is a partial list of significant cases:

Estate of Kyle Plush v. City of Cincinnati, et al., Hamilton County Common Pleas Court (filed August 2019) wrongful death case filed on behalf of the parents of a teenager who called 9-1-1 twice for help but died because, as the case alleges, the call takers and officers failed in their duties to rescue him.

Estate of Gabriel Tave v. Cincinnati Board of Education, et al., (filed August 2019), wrongful death case filed on behalf of parents of 8 year old elementary student who committed suicide after being bullied at school.

Joseph Guglielmo v. Montgomery County, Ohio, et.al., (settled June 2019) (Judge Rose), excessive force case against a jailer who used excessive force against Mr. Guglielmo in a jail cell, while other officers watched, causing traumatic head injury in January 2015. Summary judgment was denied, 387. F.Supp.3d 798 (May 2019) and case subsequently settled for \$5.6 million dollars.

Estate of Dontae Martin v. Montgomery County, Ohio, et.al., (settled August 2019) (Judge Rose), complaint alleged two deputies shot and killed Mr. Martin while he was lying back in the driver seat of his car at midnight, unconscious, and posing no threat. The Estate claimed the deputies saw the reflection of their guns when they shined their flashlights at the tinted windows. Case settled for \$900,000 before defendants' summary judgment motion was decided.

Raimy for Estate of Tamara Buford v. Ohio Department of Rehabilitation and Correction, wrongful death suit was filed on behalf of prisoner who committed suicide at the state prison for women, while under the care of a mental health treatment team. The lawsuit claimed the ODRC was negligent in providing mental health care to Ms. Buford. The case settled in 2018 for \$140,000.

Wade for Estate of Luther Wade v Ohio Department of Rehabilitation and Correction, wrongful death suit was filed on behalf of prisoner at Lebanon Correctional whose cellmate brutally murdered him with a cinder block he was able to remove from the prison walls. ODRC knew that Mr. Wade's cellmate was violent, and the cell walls were deteriorating. Some holes in the walls were large enough for inmates to crawl through into other cells. The case settled in 2018 for \$225,000.

Rachel Dovel v. The Public Library of Cincinnati Hamilton County Library, et al., (settled 2017), suit was filed on behalf of transgender woman whose public employer denied her equal access to health care benefits for sex reassignment surgery on the basis of her sex.

Obergefell v. Hodges, ___ U.S. ___, 135 S.Ct 2584, (June 26, 2015). The Supreme Court of the United States held Ohio's defense of marriage act an unconstitutional denial of equal protection and due process, paving the way for same sex couples to be married in Ohio and nationwide.

Mark Broach v. City of Cincinnati (September 2013) (Magistrate Judge Bowman), \$224,522.41 jury verdict for Fire Lieutenant based on employment claims for retaliation based on opposition to race discrimination, retaliation based on participation, and hostile work environment.

Hunter v. Hamilton County Board of Elections (settled May 2012) (Chief Judge Dlott), Equal Protection challenge to provisional voting process resulted in additional ballots being counted and judicial candidate Hunter declared winner of election by 73 votes. *Hunter v. Hamilton County Board of Elections et. al.* 635 F.3d 219 (6th Cir. 2011); *Hunter v. Hamilton County Board of Elections et. al.*, 850 F. Supp.2d 795, 2012 WL 404786 (permanent injunction); *Hunter v. Hamilton County Board of Elections et. al.*, 2013 WL 5467751 (attorney fees).

P.C. and W.C. v. Milford Schools, 2013 WL 209478 (S.D. Ohio 2013) (Judge Spiegel), Ohio Department of Education administrative decisions denying private reading service to disabled junior high student overturned because school predetermined student's education placement and thus committed a procedural violation of IDEA.

Logan v. Sycamore Schools, 2012 WL 2011037 (S.D. Ohio 2012) (Judge Spiegel), Title IX case sought damages against school district for estate of high school student who was bullied and sexually harassed before she committed suicide. Summary judgment denied.

McCullum v. Butler County (S.D. Ohio settled 2012) (Judge Black) estate of 19 year old jail detainee sued for failure to treat mental health needs, which led to his suicide. Settlement of \$300,000 from various defendants after summary judgment denied. *McCullum v. Tepe*, 693 F.3d 696 (6th Cir. 2012).

Tana Cross v. Pickaway County (S.D. Ohio settled 2012) (Judge Smith) Settlement of \$200,000 after summary judgment was denied for estate of woman who committed suicide in local jail after being denied medical treatment.

B.H. v. West Clermont Schools (S.D. Ohio settled 2011) (Judge Black) successful appeal of administrative decision denying special education student services and settlement of 1983 claims for restraining student for \$70,000 plus fees awarded. *B.H. v. West Clermont Bd. of Educ.* 788 F.Supp.2d 682 (S.D. Ohio 2011).

Darla Jennings v. City of Lima, OH, et al. (N.D. Ohio settled 2010) (Judge Carr) \$2.5 million settlement for woman killed and children injured in SWAT raid.

Aldini v. Johnson, et al. (S.D. Ohio settled 2010) (Magistrate Judge Merz) \$125,000 settlement after appeal *Aldini v. Bodine*, 609 F.3d 858 (6th Cir. 2010) for detainee at Montgomery County Jail who sued jail corrections officers for injuries from beating, tasing, and being held in a restraint chair.

Meyer v. Nichols (S.D. Ohio verdict 2009) (Magistrate Judge King) \$40,000 jury verdict plus fees for failure to protect inmate injured by inmate assault.

Fredericks v. Potter, (S.D. Ohio Verdict 2008) (Magistrate Judge Hogan) \$382,000 jury verdict for disabled postal worker for disability discrimination, plus attorney fees. 2009 WL 10679435

Probst v. Central Ohio Youth Center, 511 F.Supp.2d 862 (summary judgment denied to Consolidated Care, Inc); (Judge Marbley) private non-profit corporation and its social worker held to be state actors while performing contract to provide mental health care at juvenile correctional facility; 2008 WL 320148 (S.D. Ohio 2008) (summary judgment denied to Central Ohio Youth Center.) juvenile who committed suicide stated a claim against the juvenile correctional facility.

Fossyl v. Watson, 317 Fed. Appx. 467 (S.D. Ohio 2009) (Judge Watson) \$1 million jury verdict for family of Cheryl Fossyl for wrongful death affirmed; settlement with Brown County, Ohio for unconstitutional law enforcement services from the time of Cheryl's death in 1977 until 2001.

E.M. and D.M. on their behalf and on behalf of their son R.M v. Sycamore Community Schools, (S.D. Ohio resolved 2008), parents of student receiving special education reading services Sycamore High School filed due process complaint seeking private school reading services for son with disabilities.

Benaugh v. Ohio Civil Rights Commission, 278 Fed. Appx. 501 (6th Cir. 2008) (Verdict 2006) (Magistrate Judge Black) jury verdict for disabled employee of the OCRC for \$68,000 against employer who failed to accommodate her disability (asthma) affirmed.

Riggins v. Hunt, (S.D. Ohio, Verdict 2006) (Judge Barrett) jury verdict for Plaintiff for \$125,000 in prisoner civil rights action against state prison corrections officers for using excessive force plus attorney fees (2007 WL 433303).

Cundiff v. Mueller, (S.D. Ohio settled 2006) excessive force case against New Vienna police officer who shot and killed client and against Village and officers for covering up his crime. Case settled for \$950,000.

Kemper v. City of Milford, (S.D. Ohio settled 2005), substantive due process case on theory of state created danger against police officer who sent husband to home of man sleeping with the husband's wife. Summary judgment denied; case settled for \$200,000.

Jack Doe v. Butler County, Ohio (S.D. Ohio settled 2005), prisoner civil rights case for failure to protect boy raped at the Butler County Juvenile Detention Center; case settled for \$250,000.

Spencer v. Blackwell, (347 F. Supp. 2d 528 (S.D. Ohio 2004) (Judge Dlott) elections case enjoining Republican challengers to democratic voters in African American precincts in Cincinnati in the presidential 2004 election and challenging the constitutionality of Ohio's challenger law. Injunction stayed on appeal 388 F.3d 547 (6th Cir.), stay affirmed *Spencer v. Pugh*, 125 S.Ct. 305 (2004) (Justice Stewart)

Meyers v. Booher, (Hamilton County Common Pleas Court 2004) (Judge Steve Martin) bench verdict of \$130,000 for parents and teenage daughter who was seduced by her boss and harbored from her parents.

Herbert v. Milford Towing, (S.D. Ohio 2003) (Judge Hogan) jury trial on behalf of male employee sexually harassed by male supervisor (settled before verdict).

Johnny Roe v. Butler County, Ohio (S.D. Ohio 2003) (Judge Beckwith) settlement for \$200,000 in prisoner civil rights case on behalf of 11 year old boy raped at the Butler County Juvenile Detention Center.

Women's Professional Medical Corp. v. J. Nick Baird, 277 F. Supp.2d 862 (S.D. Ohio 2003) (Judge Marbley), Permanent Injunction obtained for abortion provider who was ordered by the Ohio

Department of Health to cease and desist operations. ODH was undue burden on a woman's right to choose and a violation of due process. Attorney fees awarded. *Affirmed in part* 438 F. 3d. 595 (6th Cir. 2006)

Philecia Barnes formerly known as Phillip Barnes v. City of Cincinnati, jury verdict for plaintiff (\$150,000 compensatory damages, \$30,000 back pay and \$120,000 front pay) February 26, 2003(S.D. OH) (Judge Dlott), for employment discrimination against transsexual police officer. Jury found City discriminated against transsexual police officer in violation of Title VII because of gender stereotyping and in violation of the Equal Protection clause for discrimination based on perceived sexual orientation, cross dresser, transgender, or nonconformity with sex stereotypes. Attorney fees with 1.75 multiplier for extraordinary results awarded. *Affirmed* 401 F.3d 729 (6th Cir. 2005), rehearing en banc denied (June 8, 2005), *cert. denied* 126 S.Ct. 624; summary judgment denied at 2002 U.S. Dist. LEXIS 26207.

In re Founder's Women's Health Center v. Ohio Department of Health, 2002-Ohio-4295 (10th Dist. Court of Appeals 2002), 2002 WL 1933886 (Ohio App. 10 Dist.). Administrative challenge to ODH requirement that doctor owned abortion clinics must be licensed as Ambulatory Surgical Facilities.

Greene v. Bowles, case settled after summary judgment for warden reversed by 361 F.3d 290 (6th Cir. 2004); jury verdict for defendant April 2002 (S.D. OH) (Judge Beckwith), transsexual prisoner beaten by inmate lost at trial on claim against officer for failure to protect her from harm. Qualified immunity denied to officers. *Doe v. Bowles*, 254 F.3d 617 (6th Cir. 2001).

Riester v. Riverside Community School, charter schoolteacher sued for violation of her first amendment rights, court held charter school and charter school principal are state actors reported at 257 F.Supp.2d 968 (S.D. OH 2002) (Judge Spiegel). Case settled for an undisclosed amount.

Culberson v. Doan, 1997 – 2001, civil rights claim against police chief and village for violating parent's property rights by failing to secure the scene where their daughter's body was hidden. Jury verdict for \$3.75 million February 1, 2001. Case settled after trial for \$2 million. Pre-trial decisions: 65 F.Supp.2d 701 (S.D. OH 1999) (Judge Spiegel) (motion to dismiss denied); 72 F.Supp.2d 865 (S.D. OH 1999); 125 F. Supp.2d. 252 (S.D. OH 2000) (summary judgment denied).

In Re: Northeast Ohio Correctional Center, (N.D. OH 1997 – 2001) (Judge Polster) federal class action litigation on behalf of Washington D.C. inmates housed in a private for-profit prison in Youngstown, Ohio on Eighth Amendment medical, use of force, and failure to protect claims. Case settled for \$1.75 million to be distributed to all 2,000 inmates and a three year agreement to monitor prison conditions. Prison closed in July 2001.

Jane Roe v. Simon Leis, trial 2000, assisted female incarcerated at the Hamilton County Jail in obtaining right to have an abortion in jail by securing injunction in federal Court (S.D. OH) (Judge Dlott) and obtaining written policy change.

Jane Doe v. River City Correctional Center, (S.D. OH 1999) (Judge Dlott), assisted female prisoner in obtaining right to have an abortion by securing TRO in federal court for client to be transported from local correctional center to abortion clinic. Decision at 92 F. Supp.2d 694 (S.D. OH 1999).

Morrison v. Davis, jury verdict 1999, (N.D. OH) (Judge Marbley), Eighth Amendment excessive force case where jury returned \$15,000 verdict for prisoner against corrections officers who beat prisoner. PLRA fee decision reported at 195 F.Supp.2d 1019 (SD. OH 2001).

Glover v. Williamsburg Local School District, trial 1998, federal court trial decision found plaintiff schoolteacher was fired because of his sexual orientation and ordered reinstatement as a teacher and \$75,000 in compensatory damages. Decision reported at 20 F. Supp.2d 1160 (S.D. OH 1998) (Judge Dlott).

Weil v. Postmaster General, jury trial 1998, (S.D. OH) (Judge Hogan), co-counseled jury trial in sexual harassment case where jury found plaintiff was discriminated against and awarded \$175,000 in compensatory damages.

Partridge v. Fath, jury trial 1994, (S.D. OH) (Judge Rubin), federal race discrimination jury trial on behalf of African-American tenants.

Daugherty v. Wallace, 1992-1993, statewide class action in state court against Ohio Department of Human Services to reinstate General Assistance benefits. 87 Ohio App.3d 228 (2nd District 1993, 621 N.E.2d 1374).

In Re Cincinnati Gas & Electric Co. 1991 & 1993, administrative litigation on behalf of low-income ratepayers in electric rate increase cases. Appeal reported at 67 Ohio St.3d 531, 1993.

Henry v. Korte, 1989-1991, state court class action on behalf of subsidized housing tenants against landlord for violation for substandard housing conditions, and *In Re Korte*, 1991-1993, bankruptcy class action on behalf of class of subsidized tenants to obtain security deposits and new management.

Wells v. CMHA, 1989-1991, (S.D. OH) (Judge Spiegel), obtained consent decree in class action against the metropolitan housing authority to provide federally mandated grievance hearings to tenants.

Heath v. De Courcy, 1989 – 1996, (S.D. OH) (Judge Weber), class action on behalf of Hamilton County jail prisoners on Eighth Amendment condition of confinement claims and enforcement of consent decree.